

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANSKO HOLDINGS, INC.,
Plaintiff,

CIVIL ACTION

v.
BENEFIT TRUST COMPANY,
Defendant.

NO. 16-324

ORDER

AND NOW, this 8th day of November, 2019, upon consideration of Defendant Benefit Trust Company's Motion for Summary Judgment (Doc. No. 55, filed April 11, 2018), Defendant Benefit Trust Company's Suggestions in Support of Its Motion For Summary Judgment (Doc. No. 56, filed April 11, 2018), Dansko's Opposition to Benefit Trust's Motion for Summary Judgment (Doc. No. 75, filed March 5, 2019), Defendant Benefit Trust Company's Reply in Support of Its Motion For Summary Judgment (Doc. No. 79, filed April 2, 2019), Dansko Holdings, Inc.'s Motion for Summary Judgment (Doc. No. 60, filed April 27, 2018), Defendant Benefit Trust Company's Suggestions in Opposition to Dansko Holdings, Inc.'s Motion for Partial Summary Judgment (Doc. No. 74, filed March 5, 2019), and Dansko's Reply in Support of Its Motion for Summary Judgment (Doc. No. 82, filed April 2, 2019), for the reasons set forth in the accompanying Memorandum dated October 29, 2019, **IT IS ORDERED** that Defendant Benefit Trust Company's Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. Defendant's Motion for Summary Judgment is **GRANTED** with respect to plaintiff's claim for breach of the implied duty of good faith and fair dealing (Second Amended Complaint, Count I). Plaintiff's claim for breach of contract (Second Amended Complaint, Count I) is **MARKED WITHDRAWN** with **PREJUDICE**.

2. Defendant's Motion for Summary Judgment is **GRANTED** with respect to plaintiff's breach of oral contract claim (Second Amended Complaint, Count II); plaintiff's promissory estoppel claim (Second Amended Complaint, Count III); and plaintiff's fraud in the inducement claim (Second Amended Complaint, Count IV);
3. Defendant's Motion for Summary Judgment is **DENIED** with respect to defendant's Second Amended Counterclaim for breach of contract.

JUDGMENT IS ENTERED in **FAVOR** of defendant, Benefit Trust Company, and **AGAINST** plaintiff, Dansko Holdings, Inc., with respect to plaintiff's claims for breach of the implied duty of good faith and fair dealing (Second Amended Complaint, Count I), breach of oral contract (Second Amended Complaint, Count II), promissory estoppel (Second Amended Complaint, Count III), and fraud in the inducement (Second Amended Complaint, Count IV).

IT IS FURTHER ORDERED that Dansko Holdings, Inc.'s Motion for Summary Judgment is **GRANTED**, and **JUDGMENT IS ENTERED** in **FAVOR** of plaintiff, Dansko Holdings, Inc., and **AGAINST** defendant, Benefit Trust Company, with respect to defendant's Second Amended Counterclaim for breach of contract.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.